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Twitter, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN DOE, A MINOR CHILD, BY AND
THROUGH HIS NEXT FRIEND JANE DOE,

Plaintiff,

V.

TWITTER, INC.,

Defendant.

Case No. 3:21-cv-00485-JCS

**STIPULATION AND [PROPOSED] ORDER ON
DEFENDANT'S RESPONSE TO THE
COMPLAINT, CONSENT FOR AMENDED
COMPLAINT, AND MOTION TO DISMISS
BRIEFING SCHEDULE**

Judge: Hon. Joseph C. Spero
Trial Date: Not yet set

1 Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Plaintiff John Doe, by and through his next
 2 friend Jane Doe (“Plaintiff”), and Defendant Twitter, Inc. (“Defendant”) (together, with Plaintiff,
 3 the “Parties”), hereby agree and stipulate that good cause exists to request an order from the Court
 4 extending Defendant’s time to respond to the Complaint and adopting the below briefing schedule
 5 for Defendant’s motion to dismiss the Complaint.

6 **RECITALS**

7 WHEREAS, Plaintiff filed the Complaint in the above-entitled action in U.S. District Court
 8 for the Northern District of California on January 20, 2021;

9 WHEREAS, the Complaint asserts eleven counts, including violation of the Trafficking
 10 Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591 and 1595, violation of the duty to report
 11 child sexual abuse, 18 U.S.C. § 2258A, receipt and distribution of child pornography, 18 U.S.C. §
 12 2252A, California products liability, negligence, gross negligence, negligence per se, negligent
 13 infliction of emotion distress, distribution of private sexually explicit materials, Cal. Civ. Code §
 14 1708.85, intrusion into private affairs, invasion of privacy under the California Constitution, Article
 15 1, Section 1;

16 WHEREAS, Defendant was served with the Complaint on January 22, 2021;

17 WHEREAS, Defendant’s deadline to respond to the Complaint is February 12, 2021;

18 WHEREAS, under Civil Local Rule 6-1(a), the Parties may stipulate in writing, without a
 19 court order, to extend the time within which to answer or otherwise respond to the Complaint,
 20 provided the change will not alter any deadline already fixed by Court order;

21 WHEREAS, Defendant intends to file a motion to dismiss the Complaint pursuant to
 22 Federal Rule of Civil Procedure 12(b);

23 WHEREAS, the Parties have stipulated under Civil Local Rule 6-1(a) to a filing and
 24 briefing schedule for Defendant’s motion to dismiss the Complaint as set forth below;

25 WHEREAS, given the number of counts at issue and breadth of claims asserted, the Parties
 26 agree that good cause exists for an extended briefing schedule to allow for a fuller and more orderly
 27 presentation of the arguments;

28 WHEREAS, a responsive amendment from Plaintiff may clarify the issues and expedite

1 their determination;

2 WHEREAS, the Parties agree they would each benefit from a lengthened briefing schedule;

3 WHEREAS, the Initial Case Management Conference in this matter is set for April 23,
4 2021;

5 WHEREAS, under Civil Local Rule 6-2(a), the Parties may stipulate in writing to request
6 an order changing time that would affect the date of an event or deadline already fixed by Court
7 order;

8 WHEREAS, under Federal Rule of Civil Procedure 15(a)(2), a party may amend its
9 pleading with the written consent of the opposing party;

10 WHEREAS the Parties agree that this Stipulation shall constitute written consent for the
11 purpose of an amended complaint responsive to Defendant's motion to dismiss;

12 WHEREAS, the Parties have conferred and agree that continuing the Case Management
13 Conference will allow the Court the benefit of the full briefing of the issues of the case;

14 WHEREAS, the Parties have not previously requested an extension;

15 WHEREAS, the this modification would not affect the case schedule as none has been
16 entered;

17 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto,
18 through their undersigned counsel, as follows:

19 1. Defendants shall file and serve their motion to dismiss on or before March
20 10, 2021;

21 2. Plaintiff shall file and serve his opposition, or an amended complaint
22 pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure on or before April 7, 2021;

23 3. In the event that Plaintiff elects to oppose the motion to dismiss, Defendants
24 shall file and serve their reply on or before April 28, 2021;

25 FURTHER, the Parties hereby stipulate and request that the hearing for Defendant's
26 anticipated motion to dismiss the Complaint be scheduled for **June 4, 2021, at 9:30 AM by Zoom**
27 **video** and that the Initial Case Management Conference also be scheduled for **June 4, 2021, at**
28 **9:30 AM by Zoom video** with an Initial Case Management Statement due by May 28, 2021;

1
2 **IT IS SO STIPULATED.**
3

4 Dated: February 10, 2021
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COOLEY LLP
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7 */s/ Michael G. Rhodes*
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21 *Attorneys for Defendant Twitter, Inc.*
22

23 Dated: February 10, 2021
24

25 THE MATIASIC FIRM, P.C.
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27 */s/ Paul A. Matiasic*
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21 *Attorneys for Plaintiff John Doe*

22 **ATTESTATION**

23 *Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Kyle Wong*
24 *hereby attests that concurrence in the filing of this document has been obtained.*

25 Dated: February 10, 2021

COOLEY LLP

26 */s/ Linh K. Nguyen*
27 Linh K. Nguyen

28 Attorneys for Defendant Twitter, Inc.

29 **PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.**

30 Dated: February 10, 2021

31 
32 HON. JOSEPH C. SPERO
33 UNITED STATES CHIEF MAGISTRATE JUDGE